UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/710,899	08/11/2004	CHRISTOPHER DONALD JOHNSON	125182 (65271-026)	4898

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ART UNIT	PAPER NUMBER
2857	

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/710,899	JOHNSON ET AL.
	Examiner	Art Unit
	Jeffrey R. West	2857

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _11 August 2004_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-94_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-94_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _11 August 2004_ is/are: a)☐ accepted or b)☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1. This application currently names joint inventors. In considering patentability of
the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of
the various claims was commonly owned at the time any inventions covered therein
were made absent any evidence to the contrary. Applicant is advised of the
obligation under 37 CFR 1.56 to point out the inventor and invention dates of each
claim that was not commonly owned at the time a later invention was made in order
for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35
U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4)
because reference character "130" has been used to designate both "TIME/SPACE
INFERENCE RECONCILATION" and "OTHER STAKE HOLDERS" (Figure 5).

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5)
because they do not include the following reference sign(s) mentioned in the
description: "102" (paragraph 0088, line 8), "132" (paragraph 0099, line 21), and
"142" (paragraph 0105, line 2).

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5)

because they include the following reference character(s) not mentioned in the

description: "159" and "172" (Figure 6)

5. The drawings are objected to because of the following informalities:

In Figure 1, reference numbers "10" and "12" appear to be labeling the same

system.

In Figure 5, box "130", "RECONCILATION" should be ---RECONCILIATION---.

In Figure 5, "DATA RECEIVED" is labeled "110" and "REQUEST DATA" is

labeled "176", but have no apparent relationship or flow to the remaining boxes

provided in the figure.

The individual aspects of Figure 7, specifically, the "ACTIVITY ID",

"DIFFERENCING OF TIME", "TIME/ACTIVITY F(X)", "ACTIVITY DB", "TIME

SERIES RULES", "TIME SERIES" and "DE", are not sufficiently described in the

specification. Further, the flow diagram appears to be incomplete with decision

blocks providing indefinite flow.

6. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in

reply to the Office action to avoid abandonment of the application. Any amended

replacement drawing sheet should include all of the figures appearing on the

immediate prior version of the sheet, even if only one figure is being amended. The

figure or figure number of an amended drawing should not be labeled as "amended."

If a drawing figure is to be canceled, the appropriate figure must be removed from

the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

7. The disclosure is objected to because of the following informalities:

In paragraph 0079, line 2, "fire, smoke, CO 68" should be ---fire 68, smoke, CO--. Appropriate correction is required.

Claim Objections

8. Claims 14, 17, 22, 29, 45, 48, 53, 60, 70, 76, 77, 79, 83, 84 and 92 are objected to because of the following informalities:

In claim 14, line 5, to avoid problems of antecedent basis, "the detection" should be ---detection---.

In claim 17, line 3, to avoid problems of antecedent basis, "the chance" should be ---a chance---.

In claim 22, lines 2-3, "reason on at" should be ---reason at---.

In claim 29, line 4, to avoid problems of antecedent basis, "the comparative wellness" should be ---comparative wellness---.

In claim 45, line 5, to avoid problems of antecedent basis, "the detection" should be ---detection---.

In claim 48, line 3, to avoid problems of antecedent basis, "said output" should be ---said selective output---.

In claim 48, line 4, to avoid problems of antecedent basis, "the chance" should be ---a chance---.

In claim 53, line 3, "reason on at" should be ---reason at---.

In claim 60, line 5, to avoid problems of antecedent basis, "the comparative wellness" should be ---comparative wellness---.

In claim 70, line 4, "enhanced" should be ---enhance---.

In claim 76, line 4, to avoid problems of antecedent basis, "the detection" should be ---detection---.

In light of the specification, claim 77 is objected to because of incorrect dependency. It is recommended that claim 77 be amended to depend from claim 76 rather than claim 63.

In claim 79, line 3, to avoid problems of antecedent basis, "the chance" should be ---a chance---.

In claim 83, line 4, to avoid problems of antecedent basis, "the context" should be ---a context---.

In claim 84, lines 2-3, "reason on at" should be ---reason at---.

In claim 92, line 4, to avoid problems of antecedent basis, "the comparative

wellness" should be ---comparative wellness---.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

10. Claims 5, 12, 16, 29, 36, 43, 47, 60, 67, 74, 78, and 92 are rejected under 35

U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out

and distinctly claim the subject matter which applicant regards as the invention.

Claim 5 is considered to be vague and indefinite because it recites, "wherein said

analyzing system utilizes at least one of ...in its reasoning." Claim 1, however,

includes "an analyzing system for synthesizing and analyzing signals from said

sensors for thereby assessing a status of the individual and inferring the individual's

at least one of state, status and quality of life". This analyzing system, however,

does not perform any "reasoning". Therefore, it is unclear to one having ordinary

skill in the art as to what claim 5 is attempting to further limit.

Claim 36 is considered to be vague and indefinite for similar reasons because it

contains similar limitations. Similarly, claim 67 is considered to be vague and

indefinite because it recites "in its reasoning" without an indication to one having

ordinary skill in the art as to what "its" refers.

Claim 12 is considered to be vague and indefinite because it attempts to further

limit claim 1 to specify "said decision making system generates said output based

upon said assessment of values, readings, trends, and pattern recognition from data

related to at least one of ..." Parent claim 1, however, does not determine an output

based upon said assessment of values, readings, trends, and pattern recognition,

but instead provides an output based on the assessment of "a status of the

individual". Therefore, it is unclear to one having ordinary skill in the art as to what

claim 12 is attempting to further limit.

Claim 74 is considered to be vague and indefinite for similar reasons because it

contains similar limitations. Similarly, claim 43 is considered to be vague and

indefinite because it attempts to further limit parent claim 32 to specify "said decision

making system generates said output based upon said assessment of values,

readings, trends, and pattern recognition from data related to at least one of ..."

while parent claim 32 provides an output based on the assessment of "signals from

a plurality of sensors".

Claim 16 is rejected under 35 U.S.C. 112, second paragraph, because it refers to

"said processes being adjusted" while parent claim 1 contains no mention of any

processes being adjusted. Therefore, it is unclear to one having ordinary skill in the

art as to what "said processes being adjusted" refers.

Claim 47 is considered to be vague and indefinite for similar reasons because it

contains similar limitations. Similarly, claim 78 is considered to be vague and

indefinite because it refers to "said processes being monitored or calibrated" while

parent claim 63 contains no mention of any processes being monitored or calibrated.

Claim 29 is considered to be vague and indefinite because it recites "wherein

said system comprises means for utilization of more global data". Parent claim 1,

however, contains no mention of any "global data". Therefore, it is unclear to one

having ordinary skill in the art as to what constitutes "more global data".

Claims 60 and 92 are considered to be vague and indefinite for similar reasons

because they contain similar limitations.

Claim Rejections - 35 USC § 102

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

12. Claims 1-7, 10-16, 18, 19, 21-27, 29, 31-33, 35-38, 41-47, 49, 50, 52-58, 60, 62-

64, 66-69, 72-78, 80, 81, 83-89, 92, and 94, as may best be understood, are

rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Application

Publication No. 2003/0117279 to Ueno et al.

With respect to claim 1, Ueno discloses a system for facilitating living in a

predetermined location for an individual (0070, lines 3-6), said system comprising an

integrated portfolio of at least one of active and passive sensors for monitoring

activities of the individual (0071, lines 1-3 and 0248, lines 1-11), an analyzing

system for synthesizing and analyzing signals from said sensors for thereby

assessing a status of and inferring the individual's at least one of state, status and

quality of life (0077, lines 1 to 0078, line 19), a decision making system for

generating an output based upon said assessment (0080, lines 1-12), and an

activation system for one of validation and activating processes to respond to said

output from said decision making system (0082, line 1 to 0083, line 12).

With respect to claim 32, Ueno discloses a decision making system for assessing

signals from a plurality of sensors and generating a selective output from a plurality

of potential outputs based upon said assessment (0080, lines 1-12), said sensors

being at least one of active and passive sensors (0071, lines 1-3 and 0248, lines 1-

11), said system comprising an integrated portfolio of said sensors (0071, lines 1-3

and 0248, lines 1-11) for monitoring activities of an individual in a predetermined

location (0070, lines 3-6), an analyzing system for synthesizing and analyzing

signals from said sensors for thereby assessing a status of the individual and

inferring the individual's at least one of state, status and quality of life (0077, lines 1

to 0078, line 19), and an activation system for one of validation and activating

processes to respond to said selective output from said decision making system

(0082, line 1 to 0083, line 12) wherein said decision making system facilitates living

in the predetermined location for the individual (0002, lines 1-5).

With respect to claim 63, Ueno discloses a method for facilitating living in a

predetermined location for an individual (0002, lines 1-5), said method comprising,

monitoring activities of the individual by means of an integrated portfolio of at least

one active and passive sensors (0071, lines 1-3 and 0248, lines 1-11), synthesizing and analyzing signals from said sensors by means of an analyzing system for assessing a status of the individual and inferring the individual's activity, quality of life, status or condition (0077, lines 1 to 0078, line 19), generating an output based upon said assessment by means of a decision making system (0080, lines 1-12), and activating processes to respond to said decision making by means of an activation system (0082, line 1 to 0083, line 12).

With respect to claims 2, 33, and 64, Ueno discloses that said sensors are capable of sensing at least one of contact, sound, vibration, temperature, humidity, video, motion, access, location, telecommunications, computer traffic, HVAC, power, flow of utility services, appliance status, thermography, biometric monitoring and man/machine interfaces (0071, lines 1-3 and 0248, lines 1-11).

With respect to claim 3, Ueno discloses that said sensors monitor usage of at least one of appliance, Hi-Fi, alarm, television, radio, computer, exercise equipment and medical equipment for assessment of at least one of health, activity and safety of the individual (0071, lines 1-3 and 0248, lines 1-11).

With respect to claims 4, 35, and 66, Ueno discloses that said analyzing system comprises at least one of algorithms, rules engines, and workflow to convert raw data from said sensors into probabilistic assessment of at least one of health, activity and safety of the individual (0078, lines 1-19 and 0120, line 1 to 0121, line 8).

With respect to claims 5, 36, and 67, Ueno discloses that said analyzing system utilizes at least one of Artificial Intelligence, Case Based Reasoning, Evidential

Reasoning, Data Mining, Rule Based Decisioning, Fuzzy Logic, Agent Based,

System Dynamic, Discrete Event and Monte Carlo Simulation in its reasoning (0078,

lines 1-19 and 0251, lines 1-21).

With respect to claims 6, 37, and 68, Ueno discloses that said analyzing system

utilizes data from at least two of said sensors for assessing the status of the

individual (0191, lines 1-8) and inferring the individual's at least one of quality of life,

status, condition, security and health state (0002, lines 1-5).

With respect to claims 7, 38, and 69, Ueno discloses that said assessment of

status is used to probabilistically or deterministically determine if an activity is normal

or an anomaly, such that if said activity is normal as defined by a probability set-

point (i.e. predetermined reference value/threshold), then said decision making and

activation systems label said activity as normal (0009, lines 1-15, 0132, lines 1-7,

and 0138, lines 1-6), but if said activity is an anomaly, said decision making and

activation systems perform at least one of contacting the individual and sending

assistance to the individual (0083, lines 1-13).

With respect to claims 10, 41, and 72, Ueno discloses that said system facilitates

living in at least one of a home of the individual, a hospital, an assisted care facility

and an institution (0002, lines 1-5).

With respect to claims 11, 42, and 73, Ueno discloses that said analyzing system

comprises a call center, located at a remote location from said predetermined

location, for analyzing signals from said sensors (0249, lines 11-18).

With respect to claims 12, 43, and 74, Ueno discloses that said decision making system generates said output based upon said assessment of values, readings, trends, and pattern recognition from data related to at least one of power use, gas use, water use, video, motion, access, biometrics, HVAC, medicine dose, thermography, man/machine interfaces, computing platforms and call centers (0248, lines 1-11).

With respect to claims 13, 44, and 75, Ueno discloses that said sensors comprise at least one of automated voice, touch and home physical system input/output sensors (0071, lines 1-3 and 0248, lines 1-11).

With respect to claims 14, 45, and 76, Ueno discloses that said system further comprises means for generating at least one of a voice or electronically instantiated query, sound, optical, motion and a vibration the detection of an anomalous signal to the individual upon the detection of an anomalous pattern of activity (0083, lines 1-13).

With respect to claims 15, 46, and 77, Ueno discloses that said means for generating is integrated in at least one of a medical device, a device with a processor, a TV, radio, telephone, user I/0 device, appliance interlock and physical device interlock (0073, lines 1-8, 0077, lines 1-2, and 0083, lines 1-13).

With respect to claims 16 and 47, Ueno discloses that said processes being adjusted comprise at least one of remote and on site adjustment (0249, lines 11-18 and 0251, lines 1-8).

With respect to claims 18, 49, and 80, Ueno discloses that said system utilizes at least one of a dynamically (0251, lines 1-21) configured spatial/volumetric simulation space, activity density, sequence and rate, spatial rate variation and activity-resource reconciliation for assessment of at least one of health, activity and safety of the individual based upon at least one of spatial and temporal inferencing (0071, lines 1-16, 0143, line 1 to 0151, line 7, and Figures 21-22).

With respect to claims 19, 50, and 81, Ueno discloses that said system includes at least one of logical and reasoned rules for comparing a volumetric and temporal dynamic (0251, lines 1-21) control volume for persons and activities of the individual (0071, lines 1-16, 0141, lines 1-8, 0143, line 1 to 0151, line 7, and Figures 21-22).

With respect to claims 21, 52, and 83, Ueno discloses that the decision making system utilizes mobile tracking means for assessing the individual's quality of health (0010, lines 1-11).

With respect to claims 22, 53, and 84, Ueno discloses that said system utilizes appliance and utility (i.e. electricity) use or flows to reason on at least one of health, activity, safety and status of at least one of the individual and the individual's environment (0248, lines 1-11).

With respect to claims 23, 54, and 85, Ueno discloses that said system utilizes Agent Based Modeling to reconcile at least one of time and space appropriateness in activity and status of at least one of the individual and the individual's environment (0141, lines 1-8).

With respect to claims 24, 55, and 86, Ueno discloses that said system utilizes mutually exclusive time and space continuums to at least one of reason and infer at least one of health and quality of life of the individual (0141, lines 1-8 and 0143, line 1 to 0151, line 7).

With respect to claims 25, 56, and 87, Ueno discloses that said system utilizes a plurality of sensors for obtaining time and space logical inputs and outputs for inferring at least one of health, status and quality of life of the individual (0141, lines 1-8, 0143, line 1 to 0151, line 7, and 0248, lines 1-11)

With respect to claims 26, 57, and 88, Ueno discloses that said system comprises at least one of automated and manual algorithm learning with training motions and activities to instantiate logic and data baselines (0076, lines 1-6, 0077, lines 1-10, 0119, lines 1-5, and 0251, lines 1-21).

With respect to claims 27, 58, and 89, Ueno discloses that said system comprises continuous learning from at least one of activity, sensed signals, reasoning and feedback for increasing reasoning accuracy (0251, lines 1-21).

With respect to claims 29, 60, and 92, Ueno discloses that said system comprises means for utilization of more global data in comparative algorithms to assess at least one of attributes and context, the comparative wellness and activity state of one who is monitored (0180, lines 1-11).

With respect to claims 31, 62, and 94, Ueno discloses that said system comprises means for checking activities against forecasted or scheduled activities in

assessing at least one of fraud, compliance to contracted terms and conditions, an

anomaly and an adequacy of care (0143, line 1 to 0151, line 7).

With respect to claim 78, Ueno discloses that said process being monitored or

calibrated comprise at least one of having a remote location and an on site location

(0249, lines 11-18 and 0251, lines 1-8).

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

14. Claims 8, 9, 39, 40, 70, and 71 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Ueno in view of U.S. Patent Application Publication No.

2004/0199056 to Husemann et al.

As noted above, the invention of Ueno teaches many of the features of the

claimed invention and while the invention of Ueno does teach a system monitoring

individuals in a house from a center, such as a nursing-care institution (0072, lines

1-4), Ueno does not specify that the system is integrated with at least one of a health

and owner's insurance to at least one of reduce a cost of said insurance and

enhance care at a given level of said insurance, wherein said insurance includes at

least one of a reduction in premium and increase in coverage for extension of in-

home living by means of said system.

Husemann teaches body monitoring using local area wireless interfaces comprising a device as part of a system for tracking an individual in a living environment (0008, lines 1-6) that analyzes personal data to decide if an abnormality occurs and, if so, performs a function (0009, lines 1-10), wherein the system is integrated with a heath insurance to reduce a cost of said insurance by reducing a premium (0049, lines 1-11).

It would have been obvious to one having ordinary skill in the art to modify the invention of Ueno to specify that the system is integrated with at least one of a health and owner's insurance to at least one of reduce a cost of said insurance and enhance care at a given level of said insurance, wherein said insurance includes at least one of a reduction in premium and increase in coverage for extension of in-home living by means of said system, as taught by Husemann, because Ueno does teach a system monitoring individuals in a house from a center, such as a nursing-care institution and Husemann suggests that the combination would have improved the system of Ueno by reducing cost associated with the nursing-care institution by reducing insurance costs in response to the increased likelihood of responding to abnormal heath situations quickly (0040, lines 1-9 and 0049, lines 1-11).

15. Claims 28, 59, and 90 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ueno in view of Husemann et al. and further in view of U.S. Patent No. 6,594,635 to Erlanger.

As noted above, the invention of Ueno and Husemann teaches many of the features of the claimed invention and while the invention of Ueno and Husemann does teach product offerings (i.e. offering the implementation of a user monitoring system) that lowers insurance cost, the combination does not explicitly indicate that the product offering also lowers reinsurance cost for a given risk level.

Erlanger teaches a data processing system for providing an efficient market for insurance and reinsurance comprising reinsurers (column 7, lines 6-14) that offer and determine lower reinsurance costs for given lower risk levels (i.e. reinsurance costs varying based on risk) (column 7, lines 23-35 and column 19, line 65 to column 20, line 16).

It would have been obvious to one having ordinary skill in the art to modify the invention of Ueno and Husemann to explicitly indicate that the product offering also lowers reinsurance cost for a given risk level, as taught by Erlanger, because the invention of Ueno and Husemann does teach that the system lowers insurance costs based on the increased likelihood of responding to abnormal heath situations quickly (i.e. reduced health risk) and Erlanger suggests, as would be obvious to one having ordinary skill in the art, that like insurance costs, reinsurance costs are reduced for a given lower risk level and therefore, the combination would have employed the system of Ueno and Husemann to aid individuals by reducing the reinsurance costs based on determined risks (column 7, lines 23-35 and column 19, line 65 to column 20, line 16).

16. Claims 17, 48, and 79 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Ueno in view of U.S. Patent Application Publication No.

2003/0197612 to Tanaka et al.

As noted above, the invention of Ueno teaches many of the features of the

claimed invention and while the invention of Ueno does teach a decision making

system for generating an output based upon an assessment (0080, lines 1-12),

Ueno does not explicitly include a verification system for verifying said output by said

decision making system for reducing the chance of a false decision.

Tanaka teaches a method of and computer program product for monitoring

person's movements comprising implementing an RF tag to track an individual

(0019, lines 1-15), an abnormality processing unit for deciding when an abnormality

exists (0116, line 1 to 0117, line 7), and further comprising a verification system for

verifying said output by said abnormality processing unit for reducing the chance of a

false decision (0140, lines 1-9).

It would have been obvious to one having ordinary skill in the art to modify the

invention of Ueno to explicitly include a verification system for verifying said output

by said decision making system for reducing the chance of a false decision, as

taught by Tanaka, because, a suggested by Tanaka, the combination would have

improved the decision making process of Ueno by not only deciding whether an

abnormality has occurred, but verify such a decision to insure that an abnormality

has definitely occurred, thereby reducing the cost and inconvenience associated

with responding to an incorrect decision (0140, lines 1-9).

17. Claims 30, 34, 61, 65, and 93 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Ueno in view of U.S. Patent No. 6,294,999 to Yarin et al.

As noted above, the invention of Ueno teaches many of the features of the

claimed invention and while the invention of Ueno does teach tracking the motion of

an individual through his/her environment, Ueno does not specifically include means

for location of items tagged by RF based upon an automated command to locate

and display or means for tracking exercise equipment usage.

Yarin teaches systems and methods for monitoring patient compliance with

medication regiments comprising means for monitoring individuals for third parties

(and column 3, lines 20-25 and 42-51) by using means for location of items tagged

by RF (column 7, lines 25-31) based upon an automated command (i.e. command

based on automatic RF tag detection) (column 7, lines 54-65) to locate and display

(column 8, lines 21-36 and 43-48) while also tracking exercise equipment usage

(column 3, lines 52-65).

It would have been obvious to one having ordinary skill in the art to modify the

invention of Ueno to specifically include means for location of items tagged by RF

based upon an automated command to locate and display while tracking exercise

equipment usage, as taught by Yarin, because Ueno does teach a system

monitoring individuals in a house from a center, such as a nursing-care institution

(0072, lines 1-4) and, as suggested by Yarin, the combination would have improved

the level of care provided by such institutions by aiding the individual in monitoring a

wider variety of activities, such as medicine intake, using accurate individual

medicine tracking (column 1, lines 18-28 and column 3, lines 20-25 and 42-51),

while implementing continuous feedback from devices that affect medicine

requirements, such as exercise equipment, to further insure accurate medicine

doses (column 3, lines 52-65).

18. Claims 20, 51, and 82 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Ueno in view of U.S. Patent No. 5,670,944 to Myllymäki.

As noted above, the invention of Ueno teaches many of the features of the

claimed invention and while the invention of Ueno does teach a plurality of sensors

for enabling reasoned inputs and providing reasoning outputs/results (0071, lines 1-

3 and 0248, lines 1-11), the invention of Ueno does not explicitly include validating

the reasoning outputs/results.

Myllymäki teaches a body-held monitoring device for physical conditions

comprising a device for observing the physical and/or performance condition of an

individual (column 1, lines 5-9) and performing a decision to determine an

abnormality based on the sensor outputs (column 1, lines 46-67), wherein the

sensor outputs are validated by compensating for any false sensor data (column 3,

lines 3-8).

It would have been obvious to one having ordinary skill in the art to modify the

invention of Ueno to explicitly include validating the reasoning outputs/results, as

taught by Myllymäki, because Myllymäki suggests that by validating the sensor

outputs to compensate for sensor anomalies, the combination would have provided

substantially more reliable condition determinations (column 3, lines 3-17).

19. Claim 91 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ueno in

view of U.S. Patent No. 6,811,536 to Sun et al.

As noted above, the invention of Ueno teaches many of the features of the

claimed invention and while the invention of Ueno does teach monitoring a plurality

of individuals located at a plurality of houses (0072, lines 1-4), Ueno does not

specifically include using the method across a plurality of monitored persons to

enable and perform comparative assessments and reasoning.

Sun teaches a non-invasive apparatus system for monitoring autonomic nervous

system and uses thereof comprising monitoring a plurality of elderly individuals

(column 1, lines 15-19) using a plurality of sensors (column 5, lines 25-36),

analyzing the data form the sensors to determine an abnormality (column 6, lines

60-67), wherein the abnormality is determined by comparative assessments and

reasoning based on comparisons across a plurality of monitored persons (column 8,

lines 29-39).

It would have been obvious to one having ordinary skill in the art to modify the

invention of Ueno to specifically include using the method across a plurality of

monitored persons to enable and perform comparative assessments and reasoning,

as taught by Sun, because, as suggested by Sun, the combination would have

improved the analysis and abnormality determination for a particular individual by

comparing individual data with normal data of other individuals of related age and

sex, thereby providing an accurate baseline to judge the condition of the particular

individual (column 8, lines 29-39).

Conclusion

20. The prior art made of record and not relied upon is considered pertinent to

Applicant's disclosure.

U.S. Patent No. 7,002,463 to Wakabayashi teaches a system and apparatus for

determining abnormalities in daily activity patterns.

U.S. Patent No. 6,856,249 to Strubbe et al. teaches a system and method of

keeping track of normal behavior of the inhabitants of a house.

U.S. Patent Application Publication No. 2003/0058111 to Lee et al. teaches

computer vision based elderly care monitoring system.

U.S. Patent No. 6,466,125 to Richards et al. teaches a system and method using

impulse radio technology to track and monitor people needing health care.

21. Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Jeffrey R. West whose telephone number is

(571)272-2226. The examiner can normally be reached on Monday through Friday,

8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Marc S. Hoff can be reached on (571)272-2216. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jeffrey R. West
Examiner – AU 2857

April 17, 2006